

# Health Care Highlights<sup>©</sup>

A Comprehensive Newsletter Covering Activities of the West Virginia Legislature and State Government

**March 2, 2015**

**VOLUME 27, ISSUE 7**

Welcome to the 7th issue of award-winning *Health Care Highlights* for 2015. This year marks the 27th year of our unique health care publication. Our newsletter reaches more than 5,000 health professionals and health policymakers.

*Health Care Highlights* is published weekly during the regular legislative session and monthly during the periods in between legislative sessions by the firm **Government Relations Specialists, LLC**. *Health Care Highlights* provides a special focus on health topics of interest, legislative health deliberations, and a special section featuring the history and status of all health care bills introduced in the West Virginia state Senate and the House of Delegates.

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Today is the 48<sup>th</sup> day of the 60-day regular legislative session. All regular bills must clear their house of origin by the close of business on Wednesday, which is the 50<sup>th</sup> day of the session and is commonly known as "crossover day." Therefore, to achieve passage by the House or Senate, without a suspension of the rules, bills had to be out of committee by yesterday (Sunday, March 1).

This week, we continue tracking all health care-related bills under consideration by the House and Senate. Currently, 1,019 House bills have been introduced. The Senate is considering 581 bills. Of the 1,600 total bills introduced so far this session, many are similar to bills from previous legislative sessions or are rules bills. We are currently tracking 277 health care-related bills, which is about 17% of all bills so far. In addition, this week we will report actions taken by legislative committees and other health care news.

## ***2015 Key Legislative Dates***

**March 1:** Bills due out of committees in house of origin to ensure three full days for readings.

**March 4:** Last day to consider bills on third reading (passage stage) in house of origin for "cross-over." ([Joint Rule 5b](#))  
Does not include budget or supplementary appropriation bills.

**March 14:** Adjournment at midnight. ([WV Const. Art. VI, §22](#))

**March 15:** Extended session possible, but not expected, to work only on the Budget Bill and other appropriation bills.



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## ***MPLA Passes, Awaits Governor's Approval***

A bill that would modernize medical liability reforms and avert a potential health care crisis has passed both the House and Senate, and after the House concurred with Senate amendments, has been sent to Gov. Earl Ray Tomblin for his approval. The bill, **SB 6**, passed the Senate on Feb. 2 and the House on Feb. 17. However, the Senate amended House changes and asked the House to agree. The House did so on Wednesday.

The Medical Professional Liability Act, first passed in 2003, places caps on the amounts that juries can award to successful plaintiffs in malpractice lawsuits for trauma and non-economic damages. The new legislation broadens the definitions of medical activities, medical facilities and health care providers, and clarifies inclusion of physician assistants, advanced professional registered nurses, pharmacies and pharmacists, nursing homes, and others; tightens expert witness requirements; clarifies the collateral source definition; and ties the trauma cap to inflation (the Consumer Price Index) with an upper limit of 150% of the original amount.

A broad coalition of West Virginia's health care community supports the bill, including the West Virginia Hospital Association, the West Virginia Health Care Association, the West Virginia Academy of Family Physicians, Emergency Medical Services - West Virginia Coalition, the West Virginia Behavioral Healthcare Providers Association, the West Virginia State Medical Association, and the West Virginia Osteopathic Medical Association.

## ***Medicaid Hospital UPL Bill to Gov. Tomblin***

A bill to extend the health care provider tax for eligible acute care hospitals awaits Gov. Earl Ray Tomblin's expected signature of approval, after the House made a final technical amendment to clarify its effective date of July 1, 2015.

**Senate Bill 398** would increase the tax rate for the Upper Payment Limit (UPL) program from .62% to .72%. It also provides for disbursement of any funds remaining in the Eligible Acute Care Provider Enhancement Account. The West Virginia Hospital Association supported the bill, which passed the Senate on Feb. 20 and the House on Thursday.

## ***Opioid Antagonist Act Back Before Governor***

Legislation that allows first responders to possess and administer opioid antagonists in suspected opioid-related overdoses is back before Gov. Earl Ray Tomblin, after the House and Senate made technical corrections on Thursday, that had forced the governor to veto the legislation earlier in the week.

"During my State of the State address this January, I stressed the importance of providing opioid antagonists to our state's first responders and families facing drug abuse as we work to decrease the negative effects of drug abuse in our state," Gov. Tomblin said Tuesday. "I'm grateful for the overwhelming bipartisan support this legislation has received in both houses."

The bill (**SB 335**) ensures that opioid antagonists are made available to individuals at risk of overdose, as well as to relatives, friends and caregivers; and establishes responsibilities for licensed health care providers who prescribe opioid antagonists. It further provides for data collection, training and rule making.

## ***Certificate of Need "Affected Parties" Modified***

A bill now pending before the House Judiciary Committee would prevent the state Health Care Authority from considering the testimony of out-of-state hospitals and providers when reviewing certificate of need applications. Proponents of **HB 2595** said current CON regulations place them at a competitive disadvantage.

"This provides equity for West Virginia providers," Joe Letnaunchyn, president of the West Virginia Hospital Association, told the House Committee on Health and Human Resources last week. "Only in-state providers would be able to object to another in-state provider's certificate of need application." House Health advanced the bill to the Judiciary Committee, which reported the bill the floor, where it is on first reading Monday (3/2).

Currently, for example, an Ohio provider could object to a Wheeling hospital's CON application to provide a certain service. Fighting a disputed application requires time and legal resources. "They can slow us down, then establish the same service across the border," Letnaunchyn said.

## ***Anaphylaxis Bill Passes House***

The House of Delegates last Tuesday (Feb. 24) passed **HB 2648**, which would allow businesses to voluntarily obtain, stock and store epinephrine auto-injectors, commonly known as EpiPens. The auto-injectors would be used, following training, in emergency situations involving anaphylaxis (severe allergic reaction) for a customer, visitor or employee. It follows similar legislation passed in Florida and other states. The bill is now before the Senate Judiciary Committee.

The Legislature unanimously passed a bill in 2013 allowing schools to use epinephrine auto-injectors; more than 200 schools now participate. This year's bill also is expected to pass, with support from the Hospitality and Travel Association, Chamber of Commerce and leading medical organizations. It's considered a good health bill for business.

Anaphylaxis is a growing health concern in the U.S., and public access to epinephrine as a first-line treatment is critical. Anaphylaxis can be triggered by certain foods, insect stings, medications, latex or other allergens. It causes approximately 1,500 deaths annually. Children and adolescents are among those most at risk, but studies have shown that as many as one in 20 adults also are at risk. These life-threatening allergic reactions can occur quickly and without warning.

## ***Oral Chemotherapy Bills Advance in Senate***

Companion bills that would prevent insurance companies from charging higher copayments, deductibles or coinsurance for oral anti-cancer treatments advanced to separate Senate committees last week. The House version, **HB 2493**, passed the House last Tuesday (Feb. 24) and has been assigned to the Senate Committee on Health and Human Resources.

Meanwhile, the Senate Banking and Insurance Committee last Monday (Feb. 23) advanced the Senate version of the bill (**SB 289**) to the Senate Judiciary Committee after approving an amendment to adopt the language of the House version.

The legislation would bring West Virginia in line with 34 other states and the District of Columbia, including the surrounding states of Ohio, Kentucky, Virginia and Maryland.

The West Virginia Cancer Treatment Fairness Coalition strongly supports **HB 2493**, which would eliminate the cost disparity between oral and intravenous anti-cancer medications, ensuring access to all anti-cancer medications for all cancer patients. The disparity occurs because traditional intravenous therapies are covered under the medical provisions of health policies. Oral anti-cancer medications, taken at home, are covered under a policy's pharmaceutical provisions, which on a percentage basis may have higher copays and deductibles.

Raymond Wezik, an advocacy associate for the International Myeloma Foundation and a coalition spokesman, said the bills are "attempting to limit the out-of-pocket costs for these patients. That's really all it's doing."

The bills are supported by the West Virginia Academy of Family Physicians, the West Virginia Academy of Eye Physicians & Surgeons, the WV-American Cancer Society – Cancer Action Network, the West Virginia Oncology Society, the West Virginia Physical Therapy Association and the West Virginia State Medical Association.

State parity laws do not apply to Medicare or Medicaid. Health plans covered under the federal Employee Retirement Income Security Act (ERISA), also are exempt. The bill also does not apply to PEIA. To fill the ERISA gap, a federal bill known as the Cancer Drug Coverage Parity Act has been introduced in Congress. Requirements under the bills would apply to policies or contracts issued or renewed after Jan. 1, 2016. The bill also allows for health insurance company cost containment measures if the cost of compliance exceeds 2% of the total cost of coverage.

## ***Smoking Bill Moves to House***

The state Senate on Wednesday approved **SB 109**, which exempts certain groups such as veterans' and active duty military organizations, from indoor smoking bans. The bill has been assigned to the House Committee on Health and Human Resources. The veterans' organizations must be restricted from those under age 18, and must post signs that warn, "Danger: This Premises Contains Tobacco Smoke." Other exempt organizations would include racetracks or parimutuel racing facilities, a restricted-access adult-only facility, a fraternal beneficiary society or a domestic fraternal society. At least 10% of the inside space would be designated as a non-smoking area, and the same signage requirements apply. Requests for exemptions would be filed with local boards of health, which would then present a certificate of findings to the county commission. A similar bill, **HB 2208**, was defeated in the House Government Organization Committee.

## ***Nurses Urge Defeat of Their Own APRN Bill***

Amended legislation approved Thursday by the Senate Committee on Health and Human Resources would leave advanced practice registered nurses (APRNs) under the licensing authority of the West Virginia Board of Examiners for Registered Professional Nurses. APRNs who seek expanded independent prescriptive authority, however, would have that separate process regulated by either the WV Board of Medicine or the WV Board of Osteopathic Medicine.

The controversial bill, **SB 516**, originally proposed a new licensing board for APRNs, expanded prescriptive authority for hydrocodone combination medicines and FDA-approved drugs to treat Attention Deficit Hyperactivity Disorder, and severed requirements for collaborative agreements with physician under certain circumstances at the desire of the APRN. Senate Health heard a series of presentations Feb. 19 and again during two meetings lasting late into last Thursday night.

Physicians on the committee praised the work of APRNs but expressed reservations about expanded or independent prescriptive authority. “We have trouble policing the current providers of those medications,” said Sen. Tom Takubo. “Alabama, Colorado, Iowa – the states that have done this – none have actually reported or followed the outcomes of just the solo practitioners. They’ve all been lumped in together.” Sen. Ron Stollings observed, “The utility of the APRN is fantastic, though the training differential is well-documented. This (amended bill) allows me some comfort and does away with some heartburn. I think this is a step in the right direction. If someone really wants to practice independently, this allows them to do it.” Leading medical boards and organizations disliked the original bill, but agreed with Takubo and Stollings on the need for the suggested PERD amendments to try and fix the bill.

The major amendments to the bill merely adopted recommendations by Legislative Auditor Aaron Allred and his Performance Evaluation and Research Division. Under the amended bill, APRNs with five years of experience, no actions against their licenses, and the consent of a collaborating physician could choose to practice independently in a medically underserved area. Prescriptive authority would be administered and monitored by the medical boards. Midwives and nurse anesthetists would be required to maintain collaborative agreements. APRNs would also be allowed to prescribe a non-renewable 72-hour supply of hydrocodone products, with no rewritten prescriptions within 30 days. In addition, an APRN would be added to each of the medical boards. The amended bill now moves to the Senate Finance Committee.

Nurses, however, were not pleased by the outcome. “We felt that this bill was a compromise. I don’t see the compromise here,” said Angelita Nixon, a certified nurse midwife. “It’s very disappointing to be in this position, to be going backward.” Beth Baldwin, of the West Virginia Nurses Association said, “We would have to find a way to stop this bill and not let it go through and deal with having all these barriers in place for even longer, and we couldn’t let that happen.” This weekend nurses flooded lawmakers with emails demanding the bill’s defeat. The APRNs have sounded the death knell for their own bill. They’ll get their wish as the Senate Finance Committee is not now expected to consider the bill.

## ***House Health Originates Meth Registry Bill***

A bill originating in the House Health and Human Resources Committee last Tuesday creates a registry of convicted methamphetamine users to be entered into the Multi-State Real-Time Tracking System. Individuals would remain on the registry for five years from the date of their criminal conviction, and would be required to obtain a prescription for products containing pseudoephedrine, ephedrine and phenylpropanolamine. The bill (**HB 3016**) was on first reading in the House on Saturday. Purchasers of these products are limited to no more than 3.6 grams per day, 7.2 grams in a 30-day period, or 48 grams annually. The bill contains provisions against “smurfing” – hiring others to purchase pseudoephedrine products on your behalf – and alerts pharmacists about products containing less than 11% of these ingredients which may be sold over the counter. An amendment to cut annual limits in half, to 24 grams, failed.

In other business Tuesday, House Health:

- Amended **HB 2887**, which would require drivers under age 18 to pass a urine drug test for controlled substances, to be administered by the Division of Motor Vehicles. The amendment mandates parental notification of a failed test. The bill now moves to the Judiciary Committee. “This is well within constitutional limits,” said Delegate Patrick Lane. “If we can use the license as a deterrent from skipping school and getting bad grades, why can’t we use it as a deterrent from doing drugs?”
- Approved, as amended, **HB 2258**, creating a “Parents’ Bill of Rights” that prevents government from infringing on what it describes as the fundamental rights of parents to direct the upbringing, education, health care and mental health of their children. The bill now moves to the Finance Committee.

## ***Bill Reinstates Learned Intermediary Doctrine***

West Virginia currently is the only state in the U.S. which does not recognize the well-established “learned intermediary” doctrine, which holds that prescription drug manufacturers satisfy their obligation to warn patients about the risks and benefits of their products by providing warnings to prescribing physicians. A bill attempting to bring our state back in line with the rest of the country, **SB 377**, passed the Senate on Friday and is now headed to the House Judiciary Committee.

The West Virginia Supreme Court, in a 2007 ruling, reversed decades of state case law in rejecting the learned intermediary doctrine. Fully reinstating the learned intermediary doctrine would help align West Virginia with the mainstream legal rules followed by the rest of the U.S., including states which compete with the Mountain State for business investment.

Supporters of **SB 377** point out that prescribing physicians are in the best position to provide warnings to their patients. “Imposing a duty to warn on the manufacturer can interfere with the doctor-patient relationship,” they say. “Patients may be deterred from taking prescribed medicines with more potential good than harm due to concerns created by litigation or by inaccurate litigation-imposed safety ‘warnings’ that are not grounded in science.”

Reinstating the learned intermediary doctrine would not shift manufacturer liability to physicians or other health care providers. West Virginia law already protects health providers from liability for prescribing products, in accordance with FDA-approved directions and warnings.

## ***Governor’s Office Opposes MFCU Transfer***

Gov. Earl Ray Tomblin’s legislative director, Joey Garcia, told the Senate Committee on Health and Human Resources on Thursday that the Governor’s Office opposes legislation to transfer the Medicaid Fraud Control Unit currently housed within the state Department of Health and Human Resources to the Attorney General’s office. “The Governor’s Office does not feel that this is necessary in any way,” Garcia said.

Following a procedural maneuver, Senate Health reported the bill (**SB 568**) without recommendation. Although the bill apparently passed on a voice vote, the confusion occurred when some senators complained that the amendment stage had been bypassed during consideration of the bill. The legislation now moves to the Finance Committee.

The AG’s office would have prosecutorial authority to pursue civil actions under both **SB 568** and the House version of the bill (**HB 2047**), which is now before the House Judiciary Committee. The transfer would be effective July 1, 2016 under both bills.

According to an educational handout prepared by DHHR, the MFCU recovered nearly \$40 million in the last two years as a result of more than 30 investigations involving health care fraud or patient abuse, neglect or financial exploitation. Of the \$40 million, \$27 million was allocated to the Medicaid program.

Julie Warren, representing the AG’s office, said her agency could do better with its full staff of attorneys. “There’s a lot of money out there that could be recovered that isn’t being recovered,” she said. “We would hope that we could work with the Bureau for Medical Services toward a common goal.”

Sen. Roman Prezioso said the move might make sense. “It’s difficult to administer a program (Medicaid) and then turn around and police it,” he said.

But Sen. Ed Gaunch observed, “It sounds like a little turf war to me. I’m just trying to figure out in my mind where it belongs.” Sen. John Unger asked Warren, “Why would it matter if it’s in your office or their office if you’re going to work together?”

According to the DHHR handout, the MFCU case backlog has decreased by 68% since a PERD audit, from 171 cases to 54 cases as of Dec. 31, 2014. The unit is budgeted for two attorneys, and the positions are 75% federally funded. The AG’s office is requesting \$341,000 to hire three Medicaid fraud attorneys, the handout observed; it was not clear whether federal funding would still be available.

## ***Advisory Group for Health and Medical Boards Sought***

A “Logistical Advisory Committee” for all boards under Chapter 30 of West Virginia code, including some 25 health boards, would promote efficiency and economies of scale by consolidating or sharing technology and technology services, under an amended bill approved Thursday by the House Committee on Health and Human Resources.

The bill, **HB 2239**, originally would have created a Board of Health Professions. Under the amended bill, the advisory committee would include a representative from each Chapter 30 board. It would meet at least twice annually to make recommendations to the Office of Technology, the Department of Administration, the Purchasing Division, the Secretary of State and the State Treasurer. The committee also would provide a written report annually to the Department of Administration, the Joint Committee on Government Organization and the Legislative Oversight Commission on Health and Human Resources Accountability. The bill now moves to the Government Organization Committee.

In other business Thursday, House Health:

- Advanced **HB 2797** to the Judiciary Committee, replacing “mentally retarded” with “intellectually disabled” and “handicapped” with “disabled” in state code.
- Approved a committee substitute for **HB 2829**, defining “direct entry midwife” in state code. The bill was on 2<sup>nd</sup> reading (amendment stage) on Saturday.
- Passed **HB 2931** to add synthetic drugs to the Schedule I classification of drugs. The Judiciary Committee also approved the measure on Saturday.
- Advanced **HB 2961**, which would provide access to opioid analgesics with abuse-deterrent properties by preventing higher charges for non-deterrent versions. The bill now moves to the Judiciary Committee.
- Adopted a committee substitute for **HB 2999** to recognize neonatal abstinence centers, and remove them from being considered as skilled nursing facilities, which currently are under a state moratorium. The facilities would be considered as unique medical services in conducting certificate of need review. The bill was on first reading Saturday.
- Passed, without questions, discussion or amendment **SB 286**, which streamlines the process to obtain medical exemptions for compulsory school vaccinations. The bill, passed in the Senate on Feb. 18, now moves to the House Judiciary Committee.

Earlier in the week, House Health debated but ultimately took no action on **HB 2509**, which seeks to declare federal health care legislation invalid in West Virginia, after delegates raised constitutional questions.

## ***In Other Health Care Highlights***

... The Senate Banking and Insurance Committee last Monday approved a committee substitute for **SB 366**, the Patient Protection and Transparency Act. The bill is designed to provide protections to those who purchase health insurance through the West Virginia Health Benefit Exchange or through the healthcare.gov website operated by the federal government. The bill is now before the Finance Committee. The legislation aims to increase transparency and help patients better navigate their choices. The information includes: physicians and hospitals in the network; specialists in the network; any exclusions from coverage; any restrictions on use or quantity of covered services; a description of medication coverage including deductible and out-of-pocket costs; specific amounts of copays or coinsurance for each service; prior authorization requirements; an explanation of coverage for out-of-network providers; and, an appeals process if coverage for a service or medicine is denied. The committee substitute deleted a requirement for an annual report by the state insurance commissioner. ...

... The state Senate on Wednesday passed the Pain-Capable Unborn Child Protection Act (**HB 2568**) on a 29-5 vote and sent the measure to Gov. Earl Ray Tomblin, who vetoed a similar bill following the 2014 regular session on constitutional grounds. The bill prohibits abortions after 20 weeks from conception, unless the fetus is not medically viable or poses serious medical risks to the mother. The act would be effective 90 days from passage. ...

# West Virginia Legislature

## Health Care Bill Status as of 2/27/15

To review current status, visit [www.legis.state.wv.us](http://www.legis.state.wv.us)

*To find a particular bill, look below for the bill number under a general health category. A description of the bill is provided along with the bill's lead sponsor, additional information about the bill, committee references and other legislative action. For those receiving this newsletter electronically, please note that bill numbers are web-links to the bill text, so you may click on the blue bill number while holding down the control key and information on the bill will open in your web browser.*

### APPROPRIATIONS & BUDGET

- [SB 233](#) Cole+ **Budget Bill SFY 2016** (see [HB 2016](#)) *Bill proposed by Governor. Of note; 26.3% of all state expenditures are allocated for Health and Human Resources. To Finance.*
- [SB 443](#) Cole+ **Supplemental appropriation to Medicaid** *Governor's bill to provide \$9.7 million for fiscal 2015 from State Excess Revenue Lottery Fund. To Finance*
- [SB 463](#) Cole+ **Supplemental appropriation to Medicaid** (see [HB 2771](#)) *Governor's bill to provide \$14.7 million for fiscal 2015. Finance reported, passed Senate 2/25; House Finance reported, on 2<sup>nd</sup> reading 3/2*
- [SB 464](#) Cole+ **Supplemental appropriation Medicaid** (see [HB 2698](#), [HB 2770](#)) *Governor's bill to provide \$9.7 million. To Finance*
- [SB 465](#) Cole+ **Expires appropriations and cash balances in State Fund, General Revenue** (see [HB 2769](#)) *Governor's bill to expire funds from various accounts for fiscal 2015. To Finance*
- [SB 468](#) Cole+ **Expires funds to State Fund, General Revenue** (see [HB 2766](#)) *Governor's bill to expire funds from Joint Expenses and DHHR, DHS, TRIP Fund. To Finance*
- [SB 471](#) Cole+ **Supplemental appropriation to Human Rights Commission and Medicaid** (see [HB 2763](#)) *Governor's bill to provide \$42,845 to HRC and \$100 million in federal funds to Medical Services. Finance reported, passed Senate 2/25; House Finance reported, on 2<sup>nd</sup> reading 3/2*
- [SB 474](#) Cole+ **Supplemental appropriate to the Bureau for Senior Services for Medicaid** (see [HB 2760](#)) *Governor's bill transfer \$31.36 million from fiscal 2015 lottery profits to Lottery Senior Citizens Fund To Finance*
- [HB 2016](#) Armstead+ **Budget Bill SFY 2016** (see [SB 233](#)) *Bill proposed by Governor. Of note; 26.3% of all state expenditures are allocated for Health and Human Resources. To Finance.*
- [HB 2698](#) Armstead+ **Supplemental appropriation to Medicaid** (see [SB 464](#)) *Governor's bill to provide \$9.7million for fiscal 2015 from State Excess Revenue Lottery Fund. To Finance*
- [HB 2760](#) Armstead+ **Supplemental appropriate to the Bureau for Senior Services for Medicaid** (see [SB 474](#)) *Governor's bill transfer \$31.36 million from fiscal 2015 lottery profits to Lottery Senior Citizens Fund. Finance reported, passed House 2/28; to Senate Finance*
- [HB 2763](#) Armstead+ **Supplemental appropriation to Human Rights Commission and Medicaid** (see [SB 471](#)) *Governor's bill to provide \$42,845 to HRC and \$100 million in federal funds to Medical Services. To Finance*
- [HB 2766](#) Armstead+ **Expires funds to State Fund, General Revenue** (see [SB 468](#)) *Governor's bill to expire funds from Joint Expenses and DHHR, DHS, TRIP Fund. To Finance*
- [HB 2769](#) Armstead+ **Expires appropriations and cash balances in State Fund, General Revenue** (see [SB 465](#)) *Governor's bill to expire funds from various accounts for fiscal 2015. To Finance*
- [HB 2770](#) Armstead+ **Supplemental appropriation Medicaid** (see [SB 464](#)) *Governor's bill to provide \$9.7 million for fiscal 2015 from State Excess Revenue Fund. Finance reported, passed House 2/23; to Senate Finance.*
- [HB 2771](#) Armstead+ **Supplemental appropriation to Medicaid** (see [SB 463](#)) *Governor's bill to provide \$14.7 million for fiscal 2015. To Finance*

### BOARD LICENSURE AND REGULATION

- [SB 22](#) Beach **Expands Board of Registered Professional Nurses from 5 members to 10** To Gov. Org., then Finance
- [SB 126](#) Beach **Rewrites the article concerning the practice of psychology** To Health, then Gov. Org.
- [SB 239](#) Kirkendoll+ **Eliminates unnecessary boards, etc.** (see [SB 255](#)) *Interim bill recommended. To Gov. Org.*

- [SB 255](#)** Cole+ **Eliminates unnecessary boards, councils, task forces, commissions and committees** (see **SB 239, SB 294, HB 2101, HB 2177, HB 2469**) *Bill proposed by Governor. Gov. Org. reported Com. Sub. , Judiciary reported, passed Senate 2/10; House Gov. Org. reported, passed House 2/20; pending approval by the Governor.*
- [SB 294](#)** Cole+ **Eliminates unnecessary boards, etc.** (see **SB 255**) *Bill proposed by Governor. Gov. Org. reported, Judiciary reported, passed Senate 2/19; House Gov. Org. reported, on 2<sup>nd</sup> reading 3/2*
- [SB 330](#)** Ferns **Adopts Interstate Medical Licensure Compact** (see **HB 2496**) *This bill allows physicians to be licensed in multiple states, affirms that the practice of medicine occurs where the patient is located at the time of physician-patient encounter, and requires the physician to be licensed by the state medical board where the patient is located. It is supported by the state Board of Medicine and the state Board of Osteopathic Medicine. Similar legislation has been introduced in 14 other states. Interstate Cooperation reported Com. Sub., to Health*
- [SB 334](#)** Ferns **Updates telemedicine and medical services delivery standards** (see **HB 2497**) *Reformulates what constitutes the unauthorized practice of medicine and podiatry under the Board of Medicine, including qualified exemptions. Also updates and defines telemedicine and medical services delivery standards. It establishes criminal penalties for unauthorized medical practice. Gov. Org. reported, Health reported Com. Sub., passed Senate 2/20; to House Judiciary*
- [SB 355](#)** Hall, M. **Implements quality control procedures for agency rules** To Gov. Org., then Finance
- [SB 506](#)** Carmichael **Requires athletic trainers to be licensed by WV Board of Physical Therapy** (see **HB 2746**) To Gov. Org.
- [SB 557](#)** Hall, D.+ **Requires licensing of athletic trainers** To Health
- [HB 2101](#)** Morgan+ **Eliminates unnecessary boards, etc.** (see **SB 255**) *Interim bill recommended. To Gov. Org.*
- [HB 2103](#)** Howell+ **Requires licensing boards to provide public access to disciplinary actions** *Also requires medical and health license applicants to submit to state/national crime records checks with fingerprints. Gov. Org. amended, Finance reported Com. Sub., passed House 2/26; to Senate Gov. Org., then Finance*
- [HB 2177](#)** Armstead+ **Eliminates unnecessary boards, etc.** (see **SB 255**) *Bill proposed by Governor. To Gov. Org.*
- [HB 2233](#)** Walters+ **Requires review of legislative rules 5 years after initial approval** *Judiciary reported Com. Sub., Finance amended, on 1<sup>st</sup> reading 3/2*
- [HB 2239](#)** Howell+ **Creates a Board of Health Professions** *Creates a “Logistical Advisory Board” to promote efficiency and economies of scale by consolidating or sharing technology and technology services. Health amended, Gov. Org. reported Com. Sub., on 2<sup>nd</sup> reading 3/2*
- [HB 2259](#)** Hamrick+ **Requires the Governor to fill vacancies on professional boards within 60 days** To Gov. Org.
- [HB 2269](#)** Walters+ **Requires DHHR rules to be no more stringent than corresponding federal laws** To Judiciary
- [HB 2272](#)** Ellington+ **Allows Pharmacy Board to maintain official Rx program** *Health reported, Gov. Org. reported, passed House 2/20; to Senate Health.*
- [HB 2469](#)** Armstead+ **Eliminates unnecessary boards, etc.** (see **SB 255**) *Bill proposed by Governor. To Gov. Org.*
- [HB 2496](#)** Ellington+ **Adopts Interstate Medical Licensure Compact** (see **SB 330**) *This bill allows physicians to be licensed in multiple states, affirms that the practice of medicine occurs where the patient is located at the time of physician-patient encounter, and requires the physician to be licensed by the state medical board where the patient is located. It is supported by the state Board of Medicine and the state Board of Osteopathic Medicine. Similar legislation has been introduced in 14 other states. Health amended, Judiciary reported Com. Sub., on 3<sup>rd</sup> reading 3/2*
- [HB 2497](#)** Ellington+ **Updates telemedicine and medical services delivery standards** (see **SB 334**) *Reformulates what constitutes the unauthorized practice of medicine and podiatry under the Board of Medicine, including qualified exemptions. Also updates and defines telemedicine and medical services delivery standards. It establishes criminal penalties for unauthorized medical practice. The bill authorizes rule-making. Health amended, to Judiciary*
- [HB 2737](#)** Householder+ **Prohibits licensure boards from hiring or contracting with a lobbyist** *Gov. Org. reported, to Judiciary*
- [HB 2746](#)** Ashley+ **Requires athletic trainers to be licensed by WV Board of Physical Therapy** (see **SB 506**) To Gov. Org.

## CHILDREN

- [SB 7](#)** Stollings+ **Requires CPR and care for conscious choking instruction in schools** (see **HB 2007**) *This bill requires 30 minutes of CPR training prior to graduation. It also includes training in first aid and care instructions for conscious choking. Teachers are not required to be certified trainers in CPR; instruction may be provided by community members. Schools may opt to include information regarding use of automated external defibrillators (AEDs). Any instruction that results in certification must be taught by an authorized CPR/AED instructor. Passed Senate 2/2; passed House 2/11; approved by the Governor 2/24, effective July 1.*

**SB 68** Unger+ **Creates Healthy Children and Healthy Communities Act** To Health, then Finance

**SB 69** Unger+ **Requires public school screening for dyslexia** To Education, then Finance

**SB 132** Miller+ **Reduces school nurse staffing ratio** To Health, then Finance

**SB 286** Ferns+ **Streamlines medical exemptions to compulsory immunizations and vaccine boosters of students** (see **HB 2556**)  
Health reported Com. Sub., 2<sup>nd</sup> reference to Judiciary dispensed; passed Senate 2/18; House Health reported, to Judiciary

**SB 296** Walters+ **Provides maximum licensed school psychologist-pupil ratio** To Education, then Finance

**SB 424** Ferns+ **Eliminates compulsory tuberculosis testing for low-risk school children and personnel** (see **HB 2669**) Health reported, Education reported, recommitted to Education on 2<sup>nd</sup> reading 2/24.

**SB 544** Sypolt+ **Establishes procedures for Body Mass Index screenings in schools** (see **HB 2866**) To Education, then Finance

**HB 2007** Stansbury+ **Requires CPR and care for conscious choking instruction in schools** (see **SB 7**) To Education, then Finance

**HB 2250** Rodighiero **Allows holiday sweets in schools with parental or guardian consent** To Education

**HB 2255** Rodighiero **Increases felony penalties for exposing children to meth manufacturing** To Judiciary

**HB 2258** Cowles **Parents' Bill of Rights** Health amended, to Finance

**HB 2261** Cowles **Requires automated external defibrillators in public schools** To Education, then Finance

**HB 2443** Pasdon+ **Requires CPR and first aid instruction in schools** To Education

**HB 2510** Campbell+ **Allows sweets at school parties to teach balanced nutrition, moderation** Health reported, to Education

**HB 2556** Cowles+ **Allows religious exemptions to compulsory immunizations** (see **SB 286**) To Health, then Judiciary

**HB 2623** Caputo+ **Establishes guidelines and materials to warn about sudden cardiac arrest** To Education, then Health

**HB 2669** Ellington+ **Eliminates compulsory tuberculosis testing for low-risk school children and personnel** (see **SB 424**)  
Education reported, 2<sup>nd</sup> reference dispensed, passed House 2/20; Senate passed 2/25; pending approval by the Governor.

**HB 2848** Rohrbach+ **Requires state Board of Education to implement K-12 drug awareness program** To Education

**HB 2866** Guthrie+ **Establishes procedures for Body Mass Index screenings in schools** (see **SB 544**) To Education

**HB 2885** Skinner+ **Prohibits providers from referring minors to sexual orientation conversion therapy** To Health, then Judiciary

**HB 2999** Miller **Authorizes neonatal abstinence centers for infants under the age of 1 year. Creates these centers as a unique service in conducting certificate of need review and provides exemption from moratoriums on certain nursing facilities.**  
Health reported Com. Sub., on 2<sup>nd</sup> reading 3/2.

## HOSPITALS

**SB 244** Carmichael+ **Permits patients to designate a lay caregiver to provide aftercare** (see **HB 2100**) To Health, then Judiciary

**SB 336** Ferns+ **Provides criteria for application of penalties held in abeyance to future hospital rate applications** *The bill prohibits these penalties for future rate applications effective 5/31/15 and waives all such penalties prior to that date.*  
Gov. Org. reported Com. Sub., Judiciary reported Com. Sub., on 2<sup>nd</sup> reading 3/1

**SB 398** Ferns+ **Extends expiration date for UPL health care provider tax on eligible acute care hospitals** (see **HB 2614**) Health reported, Finance reported, passed Senate 2/20; House Finance reported, House amended, passed House 2/26; Senate concurred 2/27; pending approval by the Governor.

**SB 399** Ferns **Requires open board meetings for nonprofit or government hospitals** Health reported, Judiciary reported, passed Senate 2/25; to House Health, then Judiciary

**HB 2034** Williams **Provides civil immunity for hospital volunteers providing good faith emergency care** To Judiciary

**HB 2100** Williams+ **Permits hospital patients to designate a lay caregiver to provide aftercare** (see **SB 244**) *Interim bill recommended by Select Committee on PEIA/Seniors/Long-Term Care.* Health amended, passed House 2/19; to Senate Health

**HB 2248** Rodighiero **Patient Safety Act establishing direct-care RN to patient ratios** To Health, then Gov. Org.

**HB 2376** McGeehan+ **Creates the Save the Hospitals Act** *This bill exempts nonprofit hospitals that provide uncompensated care from paying sales tax, and allows credits against the medical provider tax.* To Gov. Org., then Finance

**HB 2614** Ellington+ **Extends expiration date for UPL health care provider tax on eligible acute care hospitals** (see **SB 398**)

**HB 2652** Ellington+ **Reduces the assessment paid by hospitals to the Health Care Authority** *This bill would cap the assessment at no more than one-tenth of 1% of the hospital's gross receipts and defines the items to be used in that calculation. It would have a \$1.3 million annual impact on the HCA. The bill is supported by the WV Hospital Association.* Health amended, Finance reported Com. Sub., passed House 2/26; to Senate Finance

**HB 2741** Householder+ **Encourages uncompensated care by providing liability immunity** Health amended, to Judiciary

**HB 2754** Householder+ **Encourages uncompensated care by providing liability immunity** To Health

**HB 2947** McGeehan+ **Requires hospital provider tax to fund health care cost review** To Health, then Finance

## INSURANCE & HEALTH COVERAGE

- SB 28** Hall, D. **Requires health insurance coverage for nonnarcotic pain relief systems** To Health, then Finance
- SB 84** Stollings+ **Redefines “third-party administrator” to include pharmacy benefits managers** Insurance subcommittee recommended a study resolution. To Rules
- SB 97** Laird **Sets maximum air-ambulance fees paid by PEIA** *Only HealthNet currently has a contract.* To Insurance, then Finance
- SB 120** Stollings+ **Recodifies laws for DHHR and Medicaid** To Health, then Gov. Org.
- SB 262** Cole+ **Transfers CHIP and Children’s Health Insurance Agency from Department of Administration to DHHR** (see **HB 2210**) *Bill proposed by Governor.* Health reported, Judiciary reported, passed Senate 2/10; House Gov. Org. reported, passed House 2/18; approved by Governor 2/25, effective May 19.
- SB 267** Cole+ **Eliminates GOHELP** (see **HB 2209**) *Bill proposed by Governor; would save \$250,000 from current budget.* Health reported, Judiciary reported, passed Senate 2/10; House Health reported; to Judiciary.
- SB 274** Cole+ **Allows flexibility to DHHR in complying with TANF** (see **HB 2382**) *Bill proposed by Governor.* Health reported, Judiciary reported Com. Sub., passed Senate 2/17; to House Judiciary.
- SB 289** Takubo+ **Prohibits higher copayments, deductibles or coinsurance for oral anti-cancer medications** *Thirty-four states have passed similar legislation, including all surrounding states except PA. Supported by all leading cancer and medical groups.* (see **HB 2493**) Insurance reported Com. Sub., to Judiciary
- SB 295** Ferns+ **Establishes appeal process for DHHR Board of Review and for Medicaid decisions** (see **HB 2589**) Health reported, Judiciary reported, passed Senate 2/10; to House Judiciary
- SB 363** Cole **Allows Court of Claims to set max rate/service limitations for health reimbursement** Health reported, to Judiciary
- SB 366** Ferns+ **Creates Patient Protection and Transparency Act** *Requires information to consumers when purchasing health coverage through an insurance exchange about covered services, network providers and Rx drugs on a non-discriminatory basis.* Insurance reported Com. Sub., to Finance
- SB 368** Nohe **Adopts NAIC standards on risk-based capital reporting for health organizations** (see **HB 2728**) Insurance reported Com. Sub., to Judiciary
- SB 567** Takubo+ **Requires legislative approval for Medicaid expansion** To Health, then Finance
- SB 568** Takubo **Transfers Medicaid Fraud Control Unit to Attorney General’s office** (see **HB 2047**) Health reported without recommendation, to Finance
- HB 2047** Shott **Transfers Medicaid Fraud Control Unit to Attorney General’s office** (see **SB 568**) Health reported, to Judiciary
- HB 2209** Armstead+ **Eliminates GOHELP** (see **SB 267**) *Bill proposed by Governor.* To Gov. Org.
- HB 2210** Armstead+ **Transfers CHIP and Children’s Health Insurance Agency from Department of Administration to DHHR** (see **SB 262**) *Bill proposed by Governor.* Health amended, to Gov. Org.
- HB 2173** Rodighiero **Provides reduced rates to married workers without children under PEIA** To Insurance, then Finance
- HB 2215** Householder+ **Protects individuals seeking coverage through WV Health Benefit Exchange** To Health, then Judiciary
- HB 2216** Ellington+ **WV Health Benefit Exchange Act** Health amended, to Judiciary
- HB 2242** Longstreth+ **Requires health insurers to reimburse ambulance service providers directly** To Insurance, then Finance
- HB 2244** Rodighiero **Provides state health care services to active duty and inactive military personnel** To Insurance, then Finance
- HB 2260** Ellington+ **Prohibits DHHR from expanding managed care without Legislature’s approval** To Health, then Finance
- HB 2382** Armstead+ **Allows flexibility to DHHR in complying with TANF** (see **SB 274**) *Bill proposed by Governor.* Health amended, to Judiciary
- HB 2403** Rodighiero **Qualifies children of state employees who make \$25,000 or less for CHIP** To Health, then Finance
- HB 2493** McCuskey+ **Prohibits higher copayments, deductibles or coinsurance for oral anti-cancer medications** *Thirty-four states have passed similar legislation, including all surrounding states except PA. Supported by all leading cancer and medical groups.* (see **SB 289**) Insurance reported, Health reported Com. Sub., passed House 2/24; to Senate Health
- HB 2509** Faircloth+ **Determines federal health care legislation invalid in WV** To Health, then Judiciary
- HB 2589** Ellington+ **Appeal process for DHHR Board of Review and Medicaid decisions** (see **SB 295**) Health amended, to Judiciary
- HB 2660** Frich+ **Requires registration and regulation of health insurance exchange navigators and non-navigator assisters under the Affordable Care Act** To Health, then Judiciary
- HB 2661** Frich+ **Provides for protection and privacy of those seeking health insurance under the ACA** To Health, then Judiciary
- HB 2728** McCuskey+ **Adopts NAIC standards on risk-based capital reporting for health organizations** (see **SB 368**) To Insurance amended, Finance reported Com. Sub.; on 3<sup>rd</sup> reading 3/2

- [HB 2860](#) Manchin+ **Requires same copayments to licensed occupational therapists, speech pathologist and physical therapists as to physicians** To Health, then Judiciary
- [HB 2920](#) Walters+ **Authorizing PEIA to negotiate contracts for Medicaid** To Insurance, then Finance
- [HB 2930](#) Westfall **Creates Medicaid managed care for aged, blind, disabled and long-term services** To Health, then Finance
- [HB 2943](#) Canterbury+ **Encourages health insurance policyholders to seek care in foreign facilities** To Insurance, then Health

### MEDICAL LIABILITY

- [SB 2](#) Gaunch+ **Predicates actions for damages upon comparative fault principles** (see [HB 2002](#)) To Judiciary
- [SB 6](#) Ferns+ **Needed revisions to Medical Professional Liability Act (MPLA)** *Supported by all leading health care, hospital, long-term care and medical groups. Opposed by trial lawyers.* (see [HB 2006](#)) Judiciary reported Com. Sub. . passed Senate 2/2; House Judiciary amended; passed House 2/17; Senate amended 2/20; House concurred 2/27; pending approval by the Governor.
- [SB 377](#) Boso+ **Limiting civil liability of pharmaceutical manufacturers or sellers providing warning to learned intermediary** *WV is the only state in the U.S. without this doctrine.* Judiciary reported Com. Sub., passed Senate 2/27; to House Judiciary
- [SB 456](#) Takubo+ **Allows letters of merit to be admissible in actions against health providers** Judiciary reported Com. Sub., on 3<sup>rd</sup> reading 2/25 but removed from calendar.
- [SB 532](#) Trump+ **Provides civil immunity for clinical practice plans, and medical and dental schools** Judiciary reported, Finance reported, passed Senate 2/27; to House Judiciary, then Finance
- [SB 580](#) Trump+ **Provides statute of limitations on health care injury claims for minors** Judiciary Committee originate bill, on 1<sup>st</sup> reading 3/1
- [HB 2002](#) Wagner+ **Predicates actions for damages upon comparative fault principles** (see [SB 2](#)) Judiciary reported Com. Sub., floor amendment adopted; passed House 1/27; Senate Judiciary amended; passed Senate 2/9; Conference committee filed report 2/20; passed Legislature 2/24; pending approval by the Governor
- [HB 2006](#) Weld+ **Needed revisions to Medical Professional Liability Act (MPLA)** (see [SB 6](#)). *House will use Senate bill.*
- [HB 2091](#) Manchin **False Claims Act** *This bill failed last year and is not expected to pass this session.* To Judiciary, then Finance
- [HB 2454](#) Ferro+ **Adds “pharmacist” & “pharmacy” to definition of MPLA health provider** (see [SB 6](#)) To Health, then Judiciary
- [HB 2811](#) Westfall+ **Deletes obsolete provisions in code regarding Physicians Mutual Insurance Co.** *This bill provides that the company need not operate as a nonprofit, so long as it remains a domestic company.* Insurance amended, Finance reported Com. Sub., passed House 2/28; to Senate

### MISCELLANEOUS

- [SB 30](#) Hall, D.+ **Permits the sale of raw milk** Agriculture reported Com. Sub. , Health reported Com. Sub., passed Senate 2/20; to House Health.
- [SB 48](#) Yost+ **Modifies guidelines for treating injured workers** To Health, then Judiciary
- [SB 346](#) Ferns **Creates Mental Health, Veterans and Service Members Court Act** To Judiciary, then Finance
- [SB 425](#) Plymale+ **Provides WVU, MU and WVSOM more authority to invest assets** (see [HB 2815](#)) Education reported, passed Senate 2/20; to House Education, then Finance
- [SB 488](#) Williams+ **Re-establishes Broadband Development Council to focus on underserved areas** (see [HB 2922](#)) Gov. Org. reported Com. Sub., passed Senate 2/28; to House
- [SB 505](#) Hall, D.+ **Allows physician liens on claims and causes of action by injured parties** To Judiciary
- [SB 539](#) Carmichael+ **Allows release of medical records in certain civil actions** To Judiciary
- [SB 555](#) Ferns+ **Continues EMS as independent office under Military Affairs & Public Safety** (see [HB 2971](#)) To Gov. Org.
- [SB 571](#) Maynard **Requires log sheets for 911 calls** To Gov. Org.
- [HB 2390](#) Rodighiero **Requires public restrooms to provide hand sanitizers** To Health, then Finance
- [HB 2439](#) Smith, P.+ **Creates enhanced criminal penalties for assaults against pregnant women** To Judiciary
- [HB 2448](#) Sobonya+ **Permits the sale of raw milk** To Agriculture, then Health
- [HB 2449](#) Sobonya+ **Permits co-owners of cows to receive their raw milk** To Agriculture, then Health
- [HB 2511](#) Walters+ **Exempts health care sharing ministries from state requirements of health insurance** *A “health care sharing ministry” is a faith-based nonprofit organization that is tax-exempt under IRS code.* Health reported, to Judiciary

[HB 2595](#) McGeehan+ **Redefines “affected persons” in certificate of need requirements** *This bill prevents the state Health Care Authority from considering the testimony of out-of-state hospitals and providers when reviewing certificate of need applications.* Health reported, Judiciary reported, on 1<sup>st</sup> reading 3/2

[HB 2613](#) Ellington+ **Requires state and federal criminal background checks** Health amended, to Judiciary

[HB 2795](#) Westfall+ **Permits release of medical records without court order** Judiciary reported Com. Sub., on 1<sup>st</sup> reading 3/2

[HB 2797](#) Campbell+ **Changes terminology in code to “intellectually disabled” and “disabled”** Health reported, to Judiciary

[HB 2815](#) Pasdon+ **Provides WVU, MU and WVSOM more authority to invest assets** (see **SB 425**) To Education, then Finance

[HB 2825](#) Walters+ **Requires DHHR to increase direct care rates to meet state’s new minimum wage** To Health, then Finance

[HB 2827](#) Howell+ **Abolishes the James “Tiger” Morton Catastrophic Illness Fund and Commission** *This fund provided assistance through legislative appropriation, as well as donations of cash, property, gifts and grants. According to the bill, the fund duplicates existing federal programs. Remaining funds will be transferred to the state’s General Fund.* Gov. Org. amended, to Finance

[HB 2922](#) Miley+ **Re-establishes Broadband Development Council to focus on underserved areas** (see **SB 488**) To Gov. Org., then Finance

[HB 2971](#) Smith+ **Continues EMS as independent office under Military Affairs & Public Safety** (see **SB 555**) To Gov. Org.

[HB 3004](#) Sobonya+ **Creates the WV Addictions Treatment and Recovery Fund** To Health, then Finance

### NURSING HOMES, LONG TERM CARE & SENIORS

[SB 64](#) Stollings+ **Provides exemption from moratorium for specialty skilled nursing beds** To Health

[HB 3008](#) Sobonya+ **Exempts skilled nursing facilities from moratorium for neonatal abstinence syndrome patients** To Health, then Gov. Org.

### PRESCRIPTION MEDICATIONS & DRUG USE/ABUSE/DIVERSION

[SB 9](#) Stollings+ **Relates to opioid antagonists** (see **SB 335 HB 2009**) To Health

[SB 16](#) Stollings+ **Requires the state Board of Pharmacy to identify specialty drugs** To Health, then Judiciary

[SB 18](#) Stollings+ **Overdose Prevention Act** (see **SB 230, HB 2045**) Health reported, to Judiciary

[SB 20](#) Stollings **Allows public health agencies to bill patients for STD and HIV testing** To Health, then Judiciary

[SB 66](#) Stollings **Revises fees for manufacturer/distributor/dispenser/researcher of controlled substances** To Health, then Finance

[SB 81](#) Plymale+ **Increases penalty for illegally transporting certain controlled substances into WV** To Judiciary

[SB 99](#) Carmichael+ **Mandates drug testing of legislators & certain recipients of state/federal funds** To Health, then Judiciary

[SB 230](#) Stollings+ **Overdose Prevention Act** (see **SB 18, HB 2045**) To Health, then Judiciary

[SB 231](#) Stollings+ **Relates to opioid antagonists** (see **SB 335, HB 2009**) To Health

[SB 232](#) Stollings+ **Provides expedited partner therapy for sexually transmitted disease** (see **HB 2046**) To Health, then Judiciary

[SB 270](#) Stollings+ **Changes 50% to 60% as criteria for pain management clinic designation** To Health, then Judiciary

[SB 335](#) Cole+ **Creates Access to Opioid Antagonists Act** *Bill proposed by Governor. (see **HB 2009, HB 2543**) Allows initial responders to possess and administer opioid antagonists in suspected opioid-related overdoses; ensures opioid antagonists are made available to individuals at risk of overdose, as well as to relatives, friends and caregivers; and establishes responsibilities for licensed health care providers who prescribe opioid antagonists. Provides for data collection, training and rule making.* Passed Senate 2/2, passed House 2/11; Governor vetoed 2/24; repassed Senate 2/26; repassed House 2/26; pending approval by the Governor.

[SB 348](#) Blair+ **Requires DHHR to create drug screen pilot program for cash assistance applicants** Health reported Com. Sub., to Finance

[SB 428](#) Stollings+ **Permits certain optometrists, APRNs and PAs to prescribe Schedule II hydrocodone combination drugs for up to three days.** (see **HB 2776**) To Health, then Judiciary

[SB 458](#) Stollings+ **Requires prescription for ephedrine, pseudoephedrine and other meth precursors** (see **HB 2611**) To Health, then Judiciary

[SB 494](#) Takubo+ **Allows businesses to stock epinephrine auto-injectors for emergencies** (see **HB 2648**) To Health, then Judiciary

[SB 497](#) Stollings+ **Permits school nurses to possess and administer opioid antagonists** To Health, then Judiciary

**[SB 523](#)** Cole+ **Alcohol and Drug Overdose Prevention and Clemency Act** (see **HB 2631**) *Bill proposed by Governor. The bill provides limited immunity to a person who seeks emergency medical assistance for someone experiencing a drug or alcohol overdose. It also provides immunity to the overdose victim upon completion of a drug rehab program. It also provides limited immunity to law enforcement.* Judiciary reported Com. Sub., passed Senate 2/25; to House Health, then Judiciary

**[SB 546](#)** Carmichael+ **Creates Compassionate Use Act for Medical Cannabis** (see **HB 2909**) To Health, then Judiciary

**[HB 2009](#)** Fast+ **Creates Access to Opioid Antagonists Act** (see **SB 335**) Health amended, to Judiciary. *House will use Senate bill.*

**[HB 2021](#)** Lane **Mandates drug testing for recipients of federal-state and state assistance** Health amended, Finance reported Com. Sub., on 1<sup>st</sup> reading 3/2

**[HB 2026](#)** Howell+ **Allows terminally ill patient access to investigational, non-FDA approved drugs** To Health, then Judiciary

**[HB 2044](#)** Perdue+ **Relates to opioid antagonists** (see **SB 335, HB 2009**) To Health, then Judiciary

**[HB 2045](#)** Perdue+ **Overdose Prevention Act** (see **SB 18, SB 230**) Health amended, to Judiciary

**[HB 2046](#)** Perdue+ **Provides expedited partner therapy for sexually transmitted disease** (see **SB 232**) Health reported, to Judiciary

**[HB 2104](#)** Arvon+ **Prohibits business licenses for selling drug paraphernalia** (see **HB 2180**) Health amended, to Judiciary

**[HB 2136](#)** Phillips, R.+ **Increases criminal penalties for transporting controlled substances** To Judiciary, then Finance

**[HB 2174](#)** Marcum+ **Increases criminal penalties for transporting controlled substances** To Judiciary

**[HB 2180](#)** Hamilton+ **Prohibits business licenses for selling drug paraphernalia** (see **HB 2104**) To Health, then Judiciary

**[HB 2373](#)** Rodighiero **Prohibits new methadone treatment programs and clinics** To Health, then Judiciary

**[HB 2397](#)** Rodighiero+ **Prohibits new methadone treatment programs and clinics** To Health, then Judiciary

**[HB 2455](#)** Sobonya+ **Requires release of minor’s medical records for drug testing to parent or guardian** To Health, then Judiciary

**[HB 2543](#)** Armstead+ **Creates Access to Opioid Antagonists Act** *Bill proposed by Governor.* (see **SB 335**) To Health, then Judiciary

**[HB 2544](#)** Householder+ **Allows optometrists to prescribe certain Schedule II hydrocodone combination opioids** (see **HB 2776**)

**[HB 2611](#)** Perdue+ **Requires Rx for pseudoephedrine and other meth precursors** (see **SB 458**) To Health, then Judiciary

**[HB 2631](#)** Armstead+ **Alcohol and Drug Overdose Prevention and Clemency Act** (see **SB 523**) Health reported, to Judiciary

**[HB 2648](#)** Pasdon+ **Allows businesses to stock epinephrine auto-injectors for emergencies** (see **SB 494**) *This bill allows what are commonly known as EpiPens to be obtained, stocked and stored by certain businesses in the state to be used following training in emergency situations involving anaphylaxis (severe allergic reaction) for a customer, visitor or employee. It follows similar legislation passed in Fla. and other states. Supported by major medical and health organizations, Cancer Treatment Fairness Coalition, WV Chamber of Commerce and WV Hospitality & Travel Association.* Health amended, Judiciary reported Com. Sub., passed House 2/24; to Senate Judiciary

**[HB 2670](#)** Rodighiero+ **Allows PAs to prescribe certain Schedule II hydrocodone combination opioids** (see **HB 2776**)

**[HB 2711](#)** Marcus+ **Provides for a scratch-off Lottery game to fund a drug treatment facility** To Judiciary, then Finance

**[HB 2723](#)** Howell **Changes sunset date of the Multi-State Real-Time Tracking System to June 2023** To Health, then Judiciary

**[HB 2733](#)** Ellington+ **Following FDA guidelines - moving certain hydrocodone combination drugs from Schedule III to Schedule II** Health amended, passed House 2/24; to Senate Health

**[HB 2734](#)** Ellington+ **Changes sunset date of the Multi-State Real-Time Tracking System to June 2017** To Health, then Judiciary

**[HB 2776](#)** Stansbury+ **Permits certain optometrists, APRNs and PAs to prescribe Schedule II hydrocodone combination drugs for up to three days per 30-day period** (see **SB 248**) *Bill originated in House Health.* Passed House 2/18; to Senate Health

**[HB 2806](#)** Householder+ **Creates a methamphetamine registry** To Health

**[HB 2880](#)** Stansbury+ **Creates addiction treatment pilot program** Health originated bill, on 2<sup>nd</sup> reading inactive calendar 3/2

**[HB 2887](#)** Ellington+ **Requires drug tests for DMV instruction permit applicants** Health amended, to Judiciary

**[HB 2909](#)** Skinner+ **Creates Compassionate Use Act for Medical Cannabis** (see **SB 546**) To Health, then Judiciary

**[HB 2924](#)** Perdue **Directs a Health Care Authority council to recommend drug pricing guides** To Health

**[HB 2925](#)** Fluharty+ **Requires legislators to pass annual drug test** To Judiciary, then Finance

**[HB 2931](#)** Ashley **Expands WV’s Schedule I hallucinogenic drug list** Health reported, Judiciary reported, on 1<sup>st</sup> reading 3/2

**[HB 2937](#)** Perdue+ **Designates \$5 million annually from beer/wine/liquor tax to fight substance abuse** To Health, then Finance

**[HB 2961](#)** Eldridge+ **Provides access to opioid analgesics with abuse-deterrent properties** Health amended, to Judiciary

**[HB 2990](#)** Stansbury+ **Requires refill of eye drop prescriptions within specified time frames** To Health

**[HB 3011](#)** Sobonya+ **Increases penalties and mandatory minimum sentences for drug traffickers** Judiciary amended, to Finance

**[HB 3016](#)** Ellington+ **Creates a meth offender registry** *This bill would prohibit a person on the registry from obtaining pseudoephedrine products without a prescription.* Health reported originating bill, on 1<sup>st</sup> reading inactive calendar 3/2

## PROFESSIONALS: HEALTH & MEDICAL

- SB 21** Beach+ **Removes MD collaboration for Rx authority for APRNs and certified nurse midwives** (see **HB 2450**) *This bill was not recommended for passage by the Joint Gov. Org./Gov. Ops interim committee.* To Health, then Gov. Org.
- SB 343** Blair+ **Exempts chiropractors from CE on veterans' mental health conditions** *This bill now requires physicians, PAs, APRNs, pharmacists and optometrists to undergo CE requirements for prescribing and administering opioid antagonists.* Gov. Org. reported Com. Sub., Judiciary reported, passed Senate 2/20; House Gov. Org. amended, on 2<sup>nd</sup> reading 3/2
- SB 501** Karnes+ **Requires midwives to file annual reports to Bureau for Public Health** To Health
- SB 516** Leonhardt+ **Creates new licensing board for APRNs** *Leading medical organizations strongly opposed this bill. Health Committee amended the bill to include major recommendations of the PERD Audit Report for APRNs. APRNs and WV Nurses Association now oppose the bill and urge defeat. Bill will die.* Health reported Com. Sub., to Finance
- SB 562** Yost+ **Requires DHHR to review rates paid to health care providers** To Health, then Finance
- HB 2084** Manchin **Prohibits discrimination by health care workers** To Health, then Judiciary
- HB 2098** Hamrick+ **Authorizes health professionals to provide services at state-run veterans' facilities without obtaining authorization to practice** Veterans' Affairs amended, Health amended, passed House 2/19; to Senate Health
- HB 2408** Ellington+ **Requires public health officers and physician faculty members to enter into collaborative agreements with APRNs** To Health, then Judiciary
- HB 2432** Ellington+ **Allows Board of Pharmacy to license felons** Health reported, Gov. Org. reported Com. Sub., passed House 2/20; to Senate Gov. Org.
- HB 2450** Campbell+ **Removes MD collaboration for Rx authority for APRNs and certified nurse midwives** (see **SB 21**) *This bill was not recommended for passage by the Joint Gov. Org./Gov. Ops interim committee.* To Health, then Gov. Org.
- HB 2470** Campbell+ **Retains nursing education faculty by giving them a \$2,500 tax deduction** To Education, then Finance
- HB 2500** Rodighiero **Allows local board of health to appoint PAs as local health officers** To Health, then Judiciary
- HB 2662** Stansbury+ **The Eye Care Consumer Protection Law** *This bill prohibits optometrists from operating eye exam kiosks.* Health reported Com. Sub., passed House 2/24; to Senate Health
- HB 2708** Skinner+ **Requires suicide prevention training for mental health service providers** To Health, then Judiciary
- HB 2727** Householder+ **Permits out-of-state health providers to provide care at free medical clinics** Health amended, to Judiciary
- HB 2829** Householder+ **Defines "midwife," "certified midwife" and "midwifery," and requires annual report to the Bureau for Public Health** Health reported Com. Sub., on 3<sup>rd</sup> reading 3/2
- HB 2976** Pasdon+ **Expands master's/doctoral programs for nursing scholarship** Education reported, passed House 2/28; to Senate
- HB 3009** Smith, P.+ **Removes criminal penalties applicable to midwives** To Judiciary

## REPRODUCTIVE RIGHTS & ABORTION

- SB 236** Karnes+ **Limits health insurance coverage for elective abortions to supplemental policies** To Insurance, then Judiciary
- SB 271** Karnes+ **Requires providers to administer anesthesia to an unborn fetus older than 7 weeks** To Health, then Judiciary
- SB 277** Miller+ **Requires issuance of certificate of birth resulting in stillbirth** Health reported Com. Sub., Judiciary reported Com. Sub., passed Senate 2/18; to House Judiciary
- HB 2031** Romine **Prohibits abortion based solely on gender of the fetus** To Health, then Judiciary
- HB 2153** Perry+ **The Pain-Capable Unborn Child Protection Act** To Health, then Judiciary
- HB 2172** Rodighiero **Requires abortion providers to obtain parental notification or consent in writing** To Health, then Judiciary
- HB 2256** Rodighiero **Prohibits state funding of abortions** To Health, then Judiciary
- HB 2371** Smith, P.+ **Appoints a guardian ad litem to represent interest of unborn child** To Judiciary
- HB 2440** Frich+ **Prevents taxpayer subsidies of health plans covering abortion** Health amended, to Judiciary
- HB 2458** Sobonya+ **Prohibits school employees from assisting students with abortion** To Education, then Judiciary
- HB 2468** Ireland+ **No State-Funded Transportation for Abortion Act** To Health, then Judiciary
- HB 2568** Sobonya+ **The Pain-Capable Unborn Child Protection Act** Health amended, Judiciary reported Com. Sub., passed House 2/11; Senate Judiciary reported, Senate passed 2/25; pending approval by the Governor.
- HB 2715** Sobonya+ **Prohibits taking minors across state lines for an abortion without parents' consent** To Health, then Judiciary
- HB 2799** Miller+ **Requires all high schools to teach fetal development** To Education, then Judiciary

## RULE MAKING & LEGISLATIVE REVIEW

State agencies, boards and commissions are often given statutory authority to promulgate rules. These are known as “legislative review” during the interim period by the Legislative Rule-Making Review Committee, and if approved, then are introduced for legislative consideration in individual rules-bills. The rules-bills are then assigned to various committees, eventually ending up in the Judiciary Committees of the Senate and House of Delegates. There they are bundled into categories of rules-bills.

### SENATE RULES BILLS

**SB 175 Rules Bundle. Authorizes Department of Health and Human Resources (DHHR), to promulgate legislative rules. This rules-bill bundle now includes these individual rules previously contained in the following bills: Judiciary reported Com. Sub. ; passed Senate 2/3; House Health amended, Judiciary amended, passed House 2/27; pending approval by the Governor**

**DHHR SB 171 Chronic pain management licensure. (see HB 2293).**

**DHHR SB 173 Medication administration. (see HB 2329)**

**DHHR SB 176 Nursing home licensure. (see HB 2328)**

**DHHR SB 177 Statewide trauma / emergency care system. (see HB 2331)**

**SB 199 Rules Bundle. Authorizes various health-related boards to promulgate legislative rules. This rules bundle now includes individual rules previously contained in the following bills: Judiciary reported Com. Sub., passed Senate 2/25; to House Judiciary**

**MEDICAL BOARD SB 197 PA licensure. (see HB 2341)**

**PHYSICAL THERAPY BOARD SB 200 Fees for PTs and PT assistants. (see HB 2300)**

**OSTEOPATHIC MEDICAL BOARD SB 201 Board fees. (see HB 2299)**

**OSTEOPATHIC MEDICAL BOARD SB 202 PA licensure. (see HB 2348)**

**PHARMACY BOARD SB 203 Immunizations administered by pharmacists. (see HB 2350)**

**PHARMACY BOARD SB 204 Pharmacy technician registration. (see HB 2351)**

**PHARMACY BOARD SB 205 Controlled substances monitoring. (see HB 2352)**

**PHARMACY BOARD SB 223 Licensure and practice of pharmacy. (see HB 2349)**

## TAXES, FEES & LOANS

**SB 98 Carmichael Increases taxes on tobacco, beer, wine and liquor To Finance**

**SB 386 Ferns Excludes mobile X-ray services from health care provider tax Health reported, to Finance**

**SB 531 Kessler+ Increases cigarette tax to fund substance abuse and workforce development To Finance**

**SB 534 Takubo+ Increases excise tax on cigarettes To Finance**

**SB 535 Nohe+ Exempts community rehabilitation programs from sales taxes To Finance**

**HB 2127 Howell+ Provides a corporate net income tax credit for manufacturers of medical devices To Finance**

**HB 2559 Trecost Increases the excise tax on cigarettes To Health, then Finance**

**HB 2633 Perdue+ Funding substance abuse services by increasing taxes on beer, wine and liquor To Health, then Finance**

**HB 2634 Perdue+ Increases excise tax on cigarettes and all other tobacco products (see HB 2953) To Health, then Finance**

**HB 2953 Fast+ Increases excise tax on cigarettes and all other tobacco products (see HB 2634) To Health, then Finance**

## TOBACCO

**SB 109 Blair+ Exempts veterans' and active duty military groups from indoor smoking rules Military reported Com. Sub., Judiciary reported Com. Sub., Senate amended, passed Senate 2/25; to House Health, then Judiciary**

**SB 400 Ferns Allows certain employers to discriminate vs. tobacco users (see HB 2689) Health reported Com. Sub., to Judiciary**

**HB 2208 McGeehan+ Gives county commissioners sole authority to regulate smoking A public hearing was held 2/17 in House Chambers and 2/20 in committee Political Subdivisions amended, Gov. Org. defeated on voice vote.**

**HB 2667 Skinner+ Requires list of ingredients in nicotine-based vapor products To Health**

**HB 2689 Fast+ Allows certain employers to discriminate vs. tobacco users (see SB 400) To Health, then Judiciary**

# *Health Care Highlights*®

**Thom Stevens, Editor**

**A Comprehensive Newsletter Covering Activities of the West Virginia Legislature and State Government**

***Your Best Source for West Virginia Legislative & Governmental Health Information***

## ***March Capitol Health Care Events***

March 4	Undergraduate Research Day
March 5	Lobby Day for Women's Lives
March 10	American Red Cross Day
March 11	Fair Shake Network Ice Cream Social (House side)
March 12	Health Science Technology Academy Day

## ***Quotes of the Week:***

... ***"Rules. Rules. Rules."***

- Delegate Don Perdue, upon being reminded to use a microphone for committee meeting comments.

... ***"Can you point me to the provisions in this bill that deal with health?"***

- Delegate Patrick Lane, during deliberations over **HB 2834**, the Uniform Interstate Family Support Act

... ***"If you want to act like the Flintstones living in the stone age - then reject this bill."***

- House Judiciary chair John Shott, commenting on the Interstate Medical License Compact bill in his committee

... ***"Yabba Dabba Doo - I support it."***

- Delegate Mike Azinger, responding to Shott's quote above

## **Inside Health Care Highlights This Issue**

**Welcome to the 7th Issue in 2015**

**2015 Key Legislative Dates**

**MPLA Passes, Awaits Governor's Approval**

**Medicaid Hospital UPL Bill to Gov. Tomblin**

**Opioid Antagonist Act Back Before Governor**

**Certificate of Need "Affected Parties" Modified**

**Anaphylaxis Bill Passes House**

**Oral Chemotherapy Bills Advance in Senate**

**Smoking Bill Moves to House**

**Nurses Urge Defeat of Their Own APRN Bill**

**House Health Originates Meth Registry Bill**

**Bill Reinstates Learned Intermediary Doctrine**

**Governor's Office Opposes MFCU Transfer**

**Advisory Group for Health and Medical Boards Sought**

**In Other Health Care Highlights . . .**

**Complete Analysis of All Health Care Bills**

**March Capitol Health Care Events**

**Quotes of the Week**